

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
January 23, 2019

The Highland Board of Zoning Appeals met on January 23, 2019 in the meeting room of the Municipal Building, 3333 Ridge Road, Highland IN. Mrs. Murovic called the meeting to order at 6:35 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Martini.

ROLL CALL: Present were Mr. Helms, Mr. Martini, Mr. Grzynski, Mr. Leep and Mrs. Murovic. Also present were Building Commissioner/Zoning Administrator, Mr. Ken Mika, Town Attorney, Mr. Jared Tauber and Town Council Liaison Steve Wagner.

MINUTES: The minutes of the November 28, 2018 meeting were approved as posted.

ANNOUNCEMENTS: The next meeting of the Board of Zoning Appeals to be February 27, 2019 at 6:30 p.m.

COMMUNICATIONS: None

APPOINTMENTS: Selection of BZA officer positions for 2019 to include BZA Chairman, Vice Chairman, Secretary, Attorney and Recording Secretary. Mr. Leep motioned to retain Susan Murovic as Chairperson, to elect Mr. Martini as Vice Chairperson and elect Mr. Helms as Secretary. He then stated the Board would be retaining Tauber and Associates as Attorney and Susan Rae as Recording Secretary. Mr. Helms seconded the motion and it unanimously passed with a roll call vote of 5 – 0.

Old Business: Approval of Findings of Fact for John P. Rastovsky, 10120 Kennedy Avenue, requesting a variance to exceed accessory structure allowance, asking to construct a 30' x 48' (1,440 sq. ft.) accessory building at the location of 10120 Kennedy Ave. {HMC 18.05.060 (F) (5)} In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less.

Mr. Martini motioned to approve the Findings of Fact. Mr. Leep seconded and it unanimously passed with a roll call vote of 5 – 0.

New Business: Public Hearing for Kurt E. Pramuk, D.D.S., 931 Ridge Road, Munster, IN 46321, requesting a variance for Lot Width, Lot Area, Parking and Additional Signage at the location of 2706 Highway Avenue, Highland, IN. The four developmental variances are as follows: Lot width of 50 feet (HMC 18.40.050(c) requires 60 feet); Lot

Area of 6,250 feet (HMC 18.40.050(c) requires 7,500 feet); Off-Street parking of 4 spaces (HMC 18.80.050(c) requires 8 off-street parking spaces); and 2 – 24 square foot external signs (HMC 18.85.030(B) (2) requires 1 external sign not to exceed 40 square feet).

Mrs. Murovic confirmed with Mr. Tauber that the Proofs of Publication were in order and he replied that he had reviewed the Proofs of Publication and that they were in compliance with IC 3-5-1.

Mr. Erik Pieters stepped forward and stated his name and that he was from Professional Building Services out of Crete, IL and would be representing Mr. Kurt Pramuk, D.D.S., as his design/build general contractor. He proceeded to hand out Existing Aerial Exhibits, photos and conceptual floor plans and drawings of the proposed Dental Center.

Mr. Pieters stated that the proposed plan was to demolish the existing structure and construct a new single-story building, plus or minus 2,400 square feet for Dr. Pramuk's practice. It would consist of 4 operatory rooms, a general office, a general waiting area, a lab, a sterilization room, general storage and a small break room. He then stated that the lot currently has space for 4 off-street parking spaces, with one being ADA accessible and that one of the variances they were requesting was for off-street parking. The proposed building would consist of conventionally constructed wood, eifs (expanded insulation foam system, which is a form of stucco), stone and decorative wood. There would also be accents on the outside, some general siding and a shingle roof. He then stated that the lot isn't as wide or as long as it should be, so those were two of the variance requests. The last variance request would be for signage and Mr. Pieters pointed out that they would like to have two signs instead of the allowed quantity of one.

Mrs. Murovic opened the discussion to the public for any questions or comments.

Mr. Mika gave a brief background on the property for those who were not familiar with it and said it was located on the S.E. corner of Highway and 2nd Street. It was the location of the previous Kiddie Shop. There was to have been another development there; however, that fell through due to some structural issues that were discovered with the building later in their project.

Mr. Mika then mentioned that the Redevelopment Director had met with the petitioner, Dr. Pramuk, in reference to the thought of potentially building there and she was aware of his interest in the property. He stated that this would be a two-pronged process for the petitioner and that he had to start here at the Board of Zoning Appeals; the variances being requested were required in order for him to proceed to the Plan Commission Level. At that point, the Plan Commission will be reviewing the overall plan in what is referred to as a Downtown Zoning Overlay District. Mr. Mika stated that this petitioner and his proposed plan did have the support of the Redevelopment Commission.

Mr. Steven Wagner, Town Council Liaison, stated that as a resident of Highland, he was excited to hear about this development and added his support.

Ms. Kathy Degullio-Fox, Redevelopment Director, stepped forward and stated she was working hard to bring businesses into the downtown area and into Highland as a whole and that professional services were something they encourage. It brings individuals into the area who are not only needing the professional services, but also the potential of individuals who may be accessing the near-by restaurants, shops and other services before or after visiting the dental center. She stated that she considered this proposed project/center to be a desirable business, not unlike some others that may have considered coming into the Town. She then stated that providing the Board finds this business fits the parameters of the zoning codes, she would encourage allowing them to come into Town. The building that is being looked at is the previous Kidde Shop that provides many fond memories; however, over the years it has just not been taken care of. Most recently, after the last potential occupant's plans fell through, it had been gutted and found that there was no foundation to the building and it had been built on old railroad ties. Because of this, there was no way it could be renovated as it is. She then stated that when there is an interested party that would like to demolish and build new, that was always a plus for the downtown area.

Mrs. Murovic then asked if there were any more comments from the public. Hearing none, she closed the meeting and brought the discussion back to the Board.

Mr. Martini thanked Dr. Pramuk for considering Highland for his practice. He also stated he was very impressed with the proposal of the building structure Dr. Pramuk and his team had presented to Board. He also thanked Ms. Degullio-Fox for supporting Dr. Pramuk and encouraging him to bring his practice to Highland. He then confirmed the variances Dr. Pramuk was pursuing, Minimum Lot Width needed of 60 feet/existing 50 feet, Minimum Lot Size of 7500 square feet/existing 6250 square feet, Existing Off-Street Parking and lastly, Signage. Mr. Pieters stated that they would be asking for two signs with logos, but no marquee.

Mr. Mika stated that the petitioner would need to specifically identify how many off-street parking spaces would be provided as required in the regulations. He pointed out that the spots on 2nd Street were not technically part of the property, although it would most likely be okay to utilize them. He then went on to say that they were asking for additional signage that currently is not allowed and asked Mr. Pieters to verify the size of the signs they were asking for. Mr. Pieters said the largest they would be was 4' tall x 8' wide. Mr. Mika stated that the current zoning ordinance allowed for one sign on the building, not to exceed 40 square feet. He went on to say if the variance was granted, they would have to specify the size of both signs and that the sign in the back should be smaller due to the fact that it was in the back of the building.

Mr. Leep thanked the petitioner for the very thorough presentation, but felt the one thing that had not been addressed in detail was the signage variance, so he asked for clarification of that particular request. Dr. Pramuk stated that the reason they were requesting the additional signage was to have the exposure on the south side of the building and to possibly attract attention from Ridge Road traffic. He went on to say that

he felt that they would be within the maximum allowed square footage with the sign at approximately 4' x 6'. Mrs. Murovic then pointed out that that requirement was to cover only one sign. If they were going to have two of approximately the same size, they would definitely be over the required total maximum of 40 square feet. She noted the total request of two 24 square foot signs, for the total request of 48 square feet. Mrs. Murovic then asked the petitioner what the total width of the building was, and he replied that it was 32 feet. She then asked how many parking spaces they would be required to have. Mr. Mika replied that he had calculated that they should have one per 200 square feet, which would be approximately 12 to 13, plus one per each employee. Mrs. Murovic asked how many employees Dr. Pramuk had. He replied that he had two. He then pointed out that he was looking at the parking requirements for downtown and for a professional dental clinic, it was showing three for the doctor and one additional spot per two employees. Based on that requirement, they made the requirement with their proposed 4 spots. Mr. Mika pointed out that they had discussed the conflict in the requirements and it was determined that they had to go with the requirement of one per 200 square feet, plus one per each employee. Mr. Mika also pointed out that this was the requirement Dr. Pramuk had advertised for.

Mr. Martini asked Mr. Tauber if each variance should be done separately and he replied that they should be done separately.

Mr. Helms motioned that the Board grant the variance for parking, this based on the petitioners submitted plan of -4- off street parking spaces being provided to the rear (south) of their proposed building taking into consideration that the business has parking common to the businesses located in the Downtown District, in addition to the location being in close proximity to the Towns Chamber Lot east of the location. Mr. Martini seconded and it unanimously passed with a roll call vote of 5 – 0.

Mr. Martini motioned to grant the variance for minimum lot width, 60 feet minimum, currently at 50 feet. Mr. Leep seconded and it unanimously passed with a roll call vote of 5 – 0.

Mr. Martini motioned to grant the variance for minimum lot size, 7,500 square feet minimum, currently at 6,250 square feet. Mr. Helms seconded and it unanimously passed with a roll call vote of 5 – 0.

Mr. Martini motioned to approve the last variance for signage, two signs, one at the north (front) side of the building and the other at the south (back) side of the building. Each sign to be a maximum of 24 square feet, totaling no more than 48 square feet. Mr. Helms seconded and it unanimously passed with a roll call vote of 5 – 0.

BUSINESS FROM THE FLOOR: None

ADJOURNMENT: Motion: Mr. Grzyski Second: Mr. Martini Time: 6:52 p.m.

